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19 *through Attorney General Xavier Becerra*

20  
21 *(Additional counsel listed on following page)*

22 IN THE UNITED STATES DISTRICT COURT  
23  
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
25  
26 SAN FRANCISCO DIVISION

27  
28 STATE OF CALIFORNIA, by and through  
1 Attorney General Xavier Becerra;  
2 COUNTY OF LOS ANGELES; CITY OF  
3 LOS ANGELES; CITY OF FREMONT;  
4 CITY OF LONG BEACH; CITY OF  
5 OAKLAND; CITY OF STOCKTON,

Plaintiffs,

v.

29  
30 WILBUR L. ROSS, JR., in his official  
31 capacity as Secretary of the U.S.  
32 Department of Commerce; U.S.  
33 DEPARTMENT OF COMMERCE; RON  
34 JARMIN, in his official capacity as Acting  
35 Director of the U.S. Census Bureau; U.S.  
36 CENSUS BUREAU; DOES 1-100,

Defendants.

3:18-cv-01865

TRIAL DECLARATION OF ANDREW J.  
WESTALL

Dept: 3  
Judge: The Honorable Richard G.  
Seeborg  
Trial Date: January 7, 2019  
Action Filed: March 26, 2018

1

2

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*Attorneys for Plaintiff-Intervenor  
Los Angeles Unified School District*

1 I, Andrew J. Westall, do hereby declare as follows:

2           **Current Position:**

3       1. I am currently employed as the Assistant Chief Deputy for the Office of Los Angeles  
4 City Council President Herb J. Wesson, Jr. I have held my current position from November 2005  
5 through November 2011, and from April 2012 to the present.

6       2. Among other duties, in my current position as the Assistant Chief Deputy to Los  
7 Angeles City Council President Herb J. Wesson, I lead a staff of up to 50 employees on a wide-  
8 range of municipal issues, including intergovernmental relations, budget, revenue strategies,  
9 ballot measures, labor, housing, planning, economic development, and transportation. As part of  
10 my job duties as Assistant Chief Deputy, I have served as the lead staff member for the Rules,  
11 Elections, and Intergovernmental Relations Committee from 2012 to the present. That committee  
12 oversees the preparation for the Decennial Census for the City, as well as utilization of Decennial  
13 Census data for redistricting for the City Council Districts and other purposes described herein. I  
14 am the former lead staff member for the Housing, Community, and Economic Development  
15 Committee. For six years in that capacity, I oversaw yearly operational budgets of approximately  
16 \$2 billion in contracts and construction projects administered by the Housing Department,  
17 Housing Authority, Community Development Department and the Community Redevelopment  
18 Agency.

19           **Educational Background:**

20       3. I received a B.A. Degree in Political Science-Public Service from the University of  
21 California, Davis in 1996, with an emphasis in urban, environmental, economic, and social public  
22 policies, as well as various ethnic studies disciplines.

23       4. I received a M.A. Degree in Urban Planning from the University of California, Los  
24 Angeles in 1999, with an emphasis in social policy and analysis, environmental and transportation  
25 public policy, municipal demographics, Geographic Information System (GIS) mapping, and  
26 redistricting.

27           **Political and Redistricting Experience:**

28       5. From April of 1998 through June of 2000, I worked for the National Association of

1 Latino Elected and Appointed Officials as a consultant, researcher and author. In June of 2000, I  
 2 prepared a publication entitled *Reapportionment, Redistricting and the Latino Community: 2000*  
 3 *and Beyond*, regarding reapportionment and redistricting of legislative and congressional districts  
 4 after the 2000 Census, focusing on the Latino communities in seven states.

5       6. From January 2001 to November of 2001, I worked as the Assistant to the Speaker  
 6 for the Office of the Speaker of the California Assembly Robert M. Hertzberg. In my role, I  
 7 worked on the post-2000 Census state redistricting process as the Chief Line Drawer for 38 of the  
 8 50 Democratic Assembly Districts in California. The Chief Line Drawer works with decision-  
 9 makers, legal counsel and key stakeholders in the crafting of proposed district lines to produce  
 10 draft maps and data tables for consideration, along with unpublished scenarios, leading ultimately  
 11 to the final map and data tables for publication. I also have performed work as the drafter of  
 12 alternative plans for the California Board of Equalization, California Legislature and United  
 13 States Congress. Alternative plans are unpublished redistricting maps and data table scenarios  
 14 made available to decision-makers, including State Legislators and Members of the U.S.  
 15 Congress.

16       7. From November 2001 to April of 2002, I served as the Technical Director for the City  
 17 of Los Angeles during the Los Angeles City Council redistricting process. In that capacity, I was  
 18 the Chief Line Drawer for the City Council Districts. I developed the demographic and  
 19 geographic databases utilized by the Commission and the public. These databases relied upon,  
 20 and were primarily based on, Decennial Census data. I also organized 16 public testimony  
 21 hearings throughout the City, which produced 3,000 attendees and 5,000 written public  
 22 comments. I reviewed and assessed the voluminous public record and prepared and provided  
 23 technical reports to the City. Additionally, I designed, developed, and updated the City's  
 24 redistricting website.

25       8. During that same period, from November 2001 to April 2002, I simultaneously  
 26 worked as the Technical Director and Chief Line Drawer for the Los Angeles Unified School  
 27 District (LAUSD) redistricting process.

28       9. From April of 2002 to February of 2004, I worked as Assistant to the Speaker for the

1 Office of the Speaker of the California Assembly Herb J. Wesson, Jr. My duties included  
2 political marketing, public relations, electoral strategy, GIS mapping, demographics, statistics,  
3 and redistricting.

4 10. From February 2004 to November of 2005, I worked as the Assistant to the Speaker  
5 for the Office of the Speaker of the California Assembly Fabian Nunez. My duties included  
6 political marketing, public relations, electoral strategy, GIS mapping, demographics, statistics,  
7 and redistricting.

8 11. From November of 2011 to March 2012, I served as the Executive Director, Chief  
9 Executive Officer and Administrator for the Los Angeles City Council Redistricting Commission,  
10 overseeing six staff members and dozens of contractors in support of the Commission's work. I  
11 organized 22 public testimony hearings throughout the City, with responsibility for managing a  
12 process involving over 5,000 attendees and the assessment of 6,551 written public comments. I  
13 also organized the Commission's meetings and prepared and issued a 950-page report to the City  
14 Council regarding the Commission's recommendations for redistricting Los Angeles City Council  
15 Districts after the 2010 Census.

16 12. Attached as **Exhibit A** to this Declaration is a true and correct copy of my complete  
17 and current curriculum vitae (personal contact information redacted).

18 **Redistricting in the City of Los Angeles:**

19 13. The City of Los Angeles is a Charter City, organized under Article XI, Section 3 of  
20 the California Constitution. Pursuant to Article XI, Section 5(b), the Charter of the City of Los  
21 Angeles prescribes the manner in which redistricting will occur after each Decennial Census, and  
22 relies upon the use of Census Data.

23 14. Section 204 of the Los Angeles City Charter requires a redistricting process every ten  
24 years. Section 204(b) of the City Charter mandates the formation of a Redistricting Commission  
25 to advise the City Council on the drawing of Council district lines. No City officer or employee  
26 is eligible to serve on the 21-member Commission. Pursuant to Section 204(c) of the City  
27 Charter, the Redistricting Commission must be appointed no later than "the date by which the  
28 Census Bureau is to release decennial census data."

1       15. With regard to the redistricting process after the 2020 Decennial Census, Charter  
2 Section 204(c) states that “The Commission shall begin the redistricting process at any time after  
3 appointment, but no later than June 1st of 2021, and each subsequent tenth anniversary of that  
4 date.”

5       16. Charter Section 204(c) further provides that the City Council “shall adopt a  
6 redistricting ordinance no later than December 31, 2021, and each subsequent tenth anniversary  
7 of that date.”

8       17. The first City election following the 2020 Decennial Census (the March 8, 2022  
9 Primary Election) will be consolidated statutorily and contractually with the State Primary  
10 Election conducted locally by the Los Angeles County Registrar-Recorder/County Clerk. The  
11 Los Angeles County Registrar-Recorder/County Clerk has informed the City of Los Angeles that  
12 redistricting of Council District boundaries following the 2020 census must be completed and  
13 delivered to the County no later than October 6, 2021, so that the new district lines may be  
14 implemented in time for the 2022 election cycle.

15       **Principles Applicable to the Redistricting Process:**

16       18. During my work on redistricting for more than a decade, beginning in 2001, for the  
17 State of California, City of Los Angeles and LAUSD, I have gained an understanding of the legal  
18 and practical considerations relevant to the redistricting process. These principles include the  
19 following: (a) ensuring districts contain equal population in compliance with the Equal Protection  
20 Clause of the Fourteenth Amendment to the United States Constitution; (b) respecting traditional  
21 redistricting criteria such as contiguity (all parts of a district should connect), compactness (a  
22 district should be geographically compact with regard to appearance, shape, and borders), due  
23 consideration of existing boundaries (such as geographic, street, school, and political  
24 subdivisions), and preserving communities of interest (people sharing common interest); and (c)  
25 compliance with Section 2 of the federal Voting Rights Act by ensuring that minority voters are  
26 not denied equal access to voting opportunities (minority voting blocks are neither fractured nor  
27 packed into a district so as to dilute their votes).

28

1       19. Section 21620 of the California Elections Code allows the City Council to give  
2 consideration in redistricting to topography, geography, cohesiveness, contiguity, integrity,  
3 compactness of territory, and communities of interest within the district. Section 204(d) of the  
4 City Charter requires that all districts “shall be drawn in conformance with requirements of state  
5 and federal law and, to the extent feasible, shall keep neighborhoods and communities intact,  
6 utilize natural boundaries or street lines, and be geographically compact.”

7       20. Section 204(a) of the City Charter requires that City Council Districts “shall each  
8 contain, as nearly as practicable, equal portions of the total population of the City as shown by the  
9 Federal Census immediately preceding the formation of districts.” Thus, the City conducts  
10 redistricting based on the total population of the City, as it is constitutionally entitled to do under  
11 Supreme Court precedent.

12       21. Pursuant to Section 241 of the City Charter, the City Council consists of 15 members,  
13 elected by their respective districts.

14       22. Based upon the 2010 Decennial Census figures, the total population of the City of  
15 Los Angeles was 3,792,621. Therefore, the ideal population size for each Council District would  
16 be 252,841 people. Both law and equity disfavor large population deviations between districts.  
17 Even a deviation of 10% (5% in either a plus or minus direction) may not be considered in a “safe  
18 harbor” for purposes of a legal challenge.

19       23. As a result of the 2012 redistricting process, each Council District represents a  
20 population of approximately 250,000 residents, with a population deviation of less than +/- 2.5%.  
21 Equal distribution of residents in each Council District ensures that every resident has equal  
22 access to their City government representative.

23       **Importance of Decennial Census Data for Redistricting:**

24       24. During my redistricting work over more than a decade, I have become familiar with  
25 and have relied upon Decennial Census data to perform my work. The Decennial Census is the  
26 only source that provides the sufficiently granular population count and demographic data the  
27 City of Los Angeles needs for redistricting purposes.

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1       25. The Decennial Census provides important data points that the City uses in  
2 redistricting such as the number of people per household, household status, age, race, and  
3 ethnicity.

4       26. The Decennial Census also provides data on multiple levels that are crucial for  
5 redistricting: a “Census block”; a “Census Block Group” or “Census Tract” level (comprising  
6 several groups of blocks, averaging approximately 5,000 individuals); “Census Place”  
7 (unincorporated County); and at an overall City, County and State level.

8       27. The City uses granular population count data when redistricting to create Council  
9 Districts that are of equal size in terms of resident population. Without accurate population count  
10 data from the Decennial Census, the City cannot ensure that any redistricting plan complies with  
11 constitutional, state, and Charter provisions that require Council Districts be of equal size and  
12 conforms to such redistricting principles as contiguity and compactness.

13       28. Data at all levels of granularity, including the most granular block-level, is necessary  
14 to ensure properly populated and lawfully formed City Council Districts. Neighborhood  
15 characteristics and population density can change dramatically in Los Angeles from block-to-  
16 block, especially near the City’s core. For example, single family neighborhoods such as  
17 Hancock Park, with average lot sizes of approximately 14,000 square feet, abut very densely  
18 populated portions of Koreatown, filled with multi-family residences and notable for having one  
19 of the densest populations in the United States outside of New York City.

20       29. Inaccurate population count data will thus result in an unevenly reported population  
21 distribution, which will in turn deny equal representation to the City’s residents. According to  
22 data from the Census Bureau, of the nearly 3.95 million residents in the City of Los Angeles,  
23 approximately 37.6% are foreign born (<https://www.census.gov/quickfacts/losangelescitycalifornia>), a population of foreign-born residents greater than the entire population  
24 of twelve states with the lowest population in the United States (Alaska, Delaware, Hawaii,  
25 Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, and  
26 Wyoming (<https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html>).  
27 Non-citizen residents in the City of Los Angeles are not distributed equally among neighborhoods

or the 15 Council Districts. For example, in Council District 9, 50% of residents over the age of 18 are non-citizens, compared with just 13.9% in Council District 5.

3       30. Accordingly, residents in Council Districts with large concentrations of undercounted  
4       residents would be denied equal representation. Residents in Districts with larger undercounted  
5       populations would proportionally have less access to their elected representative, denying them an  
6       equal ability to petition their government for redress of grievances as guaranteed by the First  
7       Amendment. The residents of those Districts with more undercounted neighbors would be denied  
8       equal access merely because of where they happen to reside and who their neighbors happen to  
9       be.

10       31. The City also uses granular race and ethnicity data gathered from the Decennial  
11 Census when redistricting to ensure compliance with the Voting Rights Act and other state and  
12 federal voting and civil rights laws. Accurate data on race and ethnicity at the block-level is  
13 necessary given that population density and demographic diversity can vary sharply among  
14 adjacent neighborhoods and abutting city blocks in Los Angeles. Without accurate block-level  
15 race and ethnicity data, the City cannot ensure that district lines are drawn in compliance with the  
16 Voting Rights Act and other voting and civil rights laws.

32. Block-level demographic data is also necessary for drawing district lines and  
determining the precise neighborhoods that will be included in particular districts in accordance  
with the principles of redistricting. As noted, preserving communities of interest is one of the  
principles the City must consider during redistricting. Block-level demographic data, including  
age, race and household status, is crucial for identifying those communities of interest and  
locating their precise geographic bounds.

## **Importance of Decennial Census Data for the Allocation of City Services and Resources:**

25       33. The City also relies on Decennial Census population count data when managing the  
26 allocation of its services and resources to City residents.

34. City services and resources that are allocated to particular neighborhoods are based  
on the Decennial Census count of people in those neighborhoods. Due to the highly varying

1 nature of the population density from one neighborhood to the next, and even from one block to  
2 the next, the granular block-level population count data derived from the Decennial Census is  
3 crucial for properly and efficiently allocating City services and resources to ensure that the needs  
4 of each neighborhood—and, even, each block—are met.

5 35. Without reliable, precise, and accurate population count data, the City would not be  
6 able to identify the needs of each community, neighborhood, or high-density city block. The  
7 combination of undercounts in some neighborhoods and overcounts in others will lead to errors in  
8 measuring neighborhood populations, which will in turn lead to misallocation of City resources.

9 36. The services that the City provides to its residents are without regard to whether the  
10 resident is a citizen or non-citizen. For example, members of the Los Angeles Police Department  
11 respond to any call for assistance; members of the Los Angeles Fire Department do not ask for  
12 proof of citizenship before rendering emergency services or extinguishing fires; and the City's  
13 Bureau of Sanitation picks up trash for all residents, regardless of their immigration or citizenship  
14 status. Accordingly, undercounted neighborhoods will suffer from the lack of sufficiently  
15 allocated resources due to inaccurate census data. The City thus needs accurate Decennial Census  
16 data to meet the needs of all of its residents and to plan for future needs.

17 37. Having an accurate neighborhood-by-neighborhood and block-by-block population  
18 count is also important in such areas as the City's Department of City Planning (for urban  
19 planning and zoning updates), the City's Department of Transportation (for infrastructure project  
20 assessments), the City's Economic Workforce and Development Department (for redevelopment  
21 purposes), and by the Housing and Community Investment Department (for smart growth  
22 analyses).

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1 I declare under penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct to the best of my knowledge, and that I have  
3 executed this declaration in Los Angeles, California.

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5 Dated: December 27<sup>th</sup>, 2018

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Andrew J. Westall

# **EXHIBIT A**

**Andrew J. Westall**

**Professional Experience**

**Office of Los Angeles City Council President Herb J. Wesson, Jr.**

*Assistant Chief Deputy*

November 2005 to November 2011

April 2012 to Present

Lead staff member for the City Council managing teams of up to 50 employees on the issues of intergovernmental relations, budget, revenue strategies, ballot measures, labor, housing, planning, economic development, cannabis, and transportation in the City of Los Angeles; lead staff member for the Rules, Elections, and Intergovernmental Relations Committee since 2012, the Ad Hoc Committee on the 2028 Olympics and Paralympic Games, the Ad Hoc Committee on Police Reform, and the Board of Referred Powers chaired by the Council President; former lead staffer for six years overseeing the management, organization, and publication of the City Council agendas three times a week; former lead staff member for the Housing, Community, and Economic Development Committee chaired by the Councilmember for six years overseeing \$2 billion yearly in operational budgets, contracts, and construction projects by the Housing Department, Housing Authority, Community Development Department, and the Community Redevelopment Agency.

**Los Angeles City Council Redistricting Commission**

*Executive Director*

November 2011 to March 2012

Chief Executive Officer and Administrator for the City of Los Angeles City Council Redistricting process overseeing six staff and dozens of contractors during the Commission's work; organized twenty-two public testimony hearings from San Pedro to Sunland-Tujunga with more than 5,000 attendees and 6,551 written public comments, not including regular and special Commission meetings; issued 950 page report to the City Council on time and under budget.

**Pasadena City College**

*Adjunct Faculty*

January 2003 to May 2010

Part-time professor of Political Science and American Institutions providing instruction and mentorship to approximately two-thousand students, two to three nights a week, with an average class size of fifty.

**Office of Speaker of the Assembly Fabian Nuñez**

*Assistant to the Speaker*

February 2004 to November 2005

Staff member in the areas of political marketing, public relations, electoral strategy, GIS mapping, demographics, statistics, and redistricting; organized Assembly committee hearings and town hall meetings throughout Southern California providing logistics, public outreach, and technical support.

**Office of Speaker of the Assembly Herb J. Wesson, Jr.**

*Assistant to the Speaker*

April 2002 to February 2004

Staff member in the areas of political marketing, public relations, electoral strategy, GIS mapping, demographics, statistics, and redistricting; organized Assembly committee hearings and town hall meetings throughout Southern California providing logistics, public outreach, and technical support.

**City of Los Angeles Redistricting Commission for the LAUSD**

*Technical Director*

November 2001 to April 2002

Consultant for LAUSD redistricting process; Chief line drawer for the LAUSD Board of Education districts.

ANDREW J. WESTALL

**Los Angeles City Council Redistricting Commission**

*Technical Director*

November 2001 to April 2002

Consultant for City of Los Angeles City Council redistricting process; Chief line drawer for the City Council districts; organized 16 public testimony hearings from Watts to Pacoima with more than 3,000 attendees and over 5,000 written public comments; submitted technical reports and maintained website design, development, and updating.

**Office of Speaker of the Assembly Robert M. Hertzberg**

*Assistant to the Speaker*

January 2001 to November 2001

Staff member for State Assembly redistricting process; Chief line drawer for 38 of the 50 Democratic Assembly districts in California, as well as drafter of alternative plans for the Board of Equalization, State Senate, and House of Representatives; frequent weekly travel to Sacramento, including the entire final month of the legislative session; provided guidance and negotiated between various state legislators and legislative caucuses with respect to district boundaries.

**Office of Speaker of the Assembly Robert M. Hertzberg**

*Field Representative*

March 1999 to December 2000

Staff member and representative for the Speaker to community events, forums, meetings, and other policy discussions in the areas of transportation, the environment, water, health care, land use, and other issues affecting the San Fernando Valley; lead staffer for the summer intern program overseeing twenty-plus interns in each of two consecutive summers; programmer and developer of filing systems, phone logs, and phone books for the Speaker.

**National Association of Latino Elected and Appointed Officials**

*Consultant*

April 1998 to June 2000

Researcher and author of publication on reapportionment and redistricting of legislative and congressional districts after the 2000 Census, emphasizing the Latino community in seven states; Presenter and panelist at the NALEO national conference in 2000, the Orange County Business Council, and the National Hispanic Caucus of State Legislators national conference in 2001.

**Graduate Students Association, UCLA**

*President*

May 1997 to June 1998

Chief Executive and Financial Officer for the official student government of approximately 10,000 graduate and professional students; elected position; author of numerous editorials; successfully advocated for new graduate student housing near campus and free ridership for students on the Santa Monica Big Blue Bus.

**Office of Assemblymember Deborah V. Ortiz**

*Legislative Aide*

June 1997 to September 1997

Staff member and policy analyst for the Assemblymember on issues of foster care and child abuse in Sacramento County; coordinator of taskforce to reinforce the continuum of care for children to end the increase in child deaths from parental abuse.

**Office of Assistant Secretary Andrew M. Cuomo**

*Intern*

September 1995 to December 1995

Intern and policy analyst for the U.S. Department of Housing and Urban Development's Department of Community Planning and Development on empowerment communities and enterprise zones; liaison to numerous cities and counties collecting data; provided annual and periodic reports and presentations on behalf of the Assistant Secretary to congressional offices and the White House.

ANDREW J. WESTALL

**Education****M.A. Degree, *Urban Planning*, UCLA, 1999**

Emphasis in social policy and analysis, environmental and transportation public policy, municipal finance, demographics, GIS mapping, and redistricting.

Advisors: Dr. Leobardo Estrada and Dr. J. Eugene Grigsby, III

**B.A. Degree, *Political Science-Public Service*, University of California, Davis, 1996**

Emphasis in urban, environmental, economic, and social public policy, as well as various ethnic studies disciplines.

**Current Community Work and Affiliations**

- **Member, UCLA Alumni Association**
- **Member, UC Davis Alumni Association**

**Publications**

- **Author**, "Election Irregularities are Fault of City Clerk", **Glendale News-Press**, April 16, 2003.
- **Author**, Reapportionment, Redistricting and the Latino Community: 2000 and Beyond. **National Association of Latino Elected and Appointed Officials**, June, 2000.
- **Columnist**, **The Daily Bruin**, Winter 1997.
- **Author**, "Democracy Calls for Active Participation", **The Daily Bruin**, Tues. Oct 22, 1996.
- **Co-Editor**, State Enterprise Zone Update. Department of Community Planning and Development, **U.S. Department of Housing and Urban Development**, 1996.
- **Author**, "Film Creates Desire to Change", **The California Aggie**, Davis, CA, Mon. Jan. 23, 1995.

**Past Community Work and Affiliations**

- **Member, Board of Directors, Exposition Metro Line Construction Authority**, 2014-2018.
- **Member, Los Angeles County Commission on Local Governmental Services**, 2011-2015.
- **Alternate Member, Board of Directors, Expo. Metro Line Construction Authority**, 2007-2014.
- **President, Greater Toluca Lake Neighborhood Council**, 2012-2013
- **Vice President, Greater Toluca Lake Neighborhood Council**, 2011-2012; 2013-2014.
- **Member, Pasadena City College Faculty Association**, 2007-2011.
- **Member, California Teacher's Association/CCA, Pasadena Chapter**, 2003-2007.
- **Member, Los Feliz Improvement Association**, 2000-2007.
- **Member, Los Angeles President's Joint Commission on LAUSD Governance**, 2005-2006.
- **Secretary, Greater Griffith Park Neighborhood Council**, 2003-2004.
- **Member, UCLA Alumni Association Leadership Academy**, 2003-2004.
- **Vice President, Greater Griffith Park Neighborhood Council**, 2002-2003.
- **External Vice President, Mira Hershey/Hilgard Residents Association**, UCLA, 1997.
- **Advisor, Sacramento County Adult and Aging Commission**, 1996.
- **President, Chi Phi Fraternity**, Sigma Delta Chapter, UC Davis, 1995.